Calendar No. 112

102D CONGRESS
1st Session

SENATE

REPORT
102-77

LAND REMOTE-SENSING DATA ARCHIVING AUTHORIZATION ACT OF 1991

JUNE 11, 1991.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 230]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 230) to authorize the transfer of certain programs and functions of the National Oceanic and Atmospheric Administration to the Department of the Interior, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of the legislation is to transfer authority for the archiving of land remote-sensing data from the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce (DOC) to the Department of the Interior (DOI).

BACKGROUND AND NEEDS

NOAA is responsible for operating satellite and ground-based monitoring systems to provide national and global environmental information. As part of this responsibility, NOAA manages the Nation's civilian operational Earth-observing satellite systems and the data these systems collect. One of these systems, the land remote-sensing system (Landsat), provides global information on the characteristics of the Earth's surface.

Landsat spacecraft have been collecting information since 1972. A wide variety of users in both the private and Government sectors use the data provided by Landsat to map, monitor, and analyze the

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Earth. The information has been used extensively for agriculture, forestry, geology, and military applications. The satellite's 16-day repeat frequency can be used in monitoring changing environmental conditions, while the 19-year series of observations is important for detecting long-term trends.

For the duration of the program, DOI has provided archival and distribution of Landsat data at the Earth Resources Observation Systems (EROS) Data Center in Sioux Falls, SD. This DOI center also maintains archives of other Earth science data, including aerial photography and digital cartographic data, that complement land remote-sensing data from Landsat.

In 1984, Congress passed the Land Remote-Sensing Commercialization Act (Landsat Commercialization Act; 15 U.S.C. 4201 et seq.), directing the Secretary of Commerce, through NOAA, to provide for the archiving of land remote-sensing data. In addition, that act required that existing Federal Government facilities be used, to the extent practicable, in carrying out NOAA's archiving responsibility. As a result, the EROS Data Center continued to maintain the Landsat archives, but funding for Landsat-related activities was provided to DOI through the NOAA budget.

Legislative History

On July 11, 1989, the Secretary of the Interior transmitted proposed legislation to Congress to amend the Landsat Commercialization Act to transfer archiving responsibility directly to DOI. Senator Pressler introduced S. 1307 for that purpose the following day. A hearing was held by the full Committee and the National Ocean Policy Study on June 12, 1990. Subsequently, the legislation was reported by the Committee as part of a larger NOAA authorization bill, S. 2788.

As action on this NOAA authorization bill was not completed during the 101st Congress, Senator Pressler reintroduced the legislation this Congress as S. 230. On May 14, 1991, the Committee considered S. 230 in open executive session and, without objection and subject to technical amendment, ordered the bill to be reported.

Summary of Major Provisions

S. 230 would transfer authority from DOC to DOI for the archiving of land remote-sensing data under the Landsat Commercialization Act.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1991.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 230, the Land Remote-Sensing Data Archiving Authorization Act of 1991, as ordered reported by the Senate Committee on Commerce, Science, and Technology on May 14, 1991. CBO estimates that enactment of this bill would result in no significant costs to the federal government, and in no costs to the State and local governments. This bill would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 230 would transfer authority for the archiving of land remote-sensing (Landsat) data from the Secretary of Commerce to the Secretary of the Interior. Currently, the Secretary of Commerce is charged with the responsibility and provides funding for the archiving of Landsat data, which is maintained at the Department of the Interior's EROS Data Center. S. 230 would place these responsibilities with the Secretary of the Interior. Since the bill would not require any new activity, CBO does not anticipate that the transfer of authority would result in any significant costs to the federal government.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contract is Patricia Conroy, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

S. 230, as reported, makes technical changes to the Landsat Commercialization Act that reflect the present agency arrangements for archiving land remote-sensing data. The bill will have no effect on the number or type of individuals and businesses regulated under that Act, the economic impact of such regulations, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section cites the short title of the bill as the "Land Remote-Sensing Data Archiving Authorization Act of 1991."

SECTION 2. TRANSFER OF DATA ARCHIVING RESPONSIBILITY

Section 2 amends the Landsat Commercialization Act to transfer responsibility for archiving land remote-sensed data from DOC to DOI.

Subsection (a) of this section includes several findings concerning the archiving of land remote-sensing data. This subsection emphasizes the importance of Landsat data for monitoring and assessing global land resources and global change, and encourages the use of archived data for research purposes.

Subsection (b) requires that any person licensed to operate a system under the Landsat Commercialization Act must make data available for archiving to the Secretary of the Interior.

Subsection (c) would transfer authority for the archiving of land remote-sensed data from DOC to DOI. In addition, this subsection would ensure that archiving activities undertaken by DOI are consistent with the terms and conditions of any contract or agreement entered into under title II, III, or V, and with any license issued under title IV, of the Landsat Commercialization Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984

Section 402 of that Act

CONDITIONS FOR OPERATION

SEC. 402. (a) * * *

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall comply with all of the requirements of this Act and shall—

(1) operate the system in such manner as to preserve and promote the national security of the United States and to observe and implement the international obligations of the United States in accordance with section 607;

(2) make unenhanced data available to all potential users on a nondiscriminatory basis;

(3) upon termination of operation under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(4) promptly make available all unenhanced data which the Secretary *of the Interior* may request pursuant to section 602;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(6) notify the Secretary of any agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities;

(7) permit the inspection by the Secretary of the licensee's equipment, facilities, and financial records;

(8) surrender the license and terminate operations upon notification by the Secretary pursuant to section 403(a)(1); and

(9)(A) notify the Secretary of any "value added" activities (as defined by the Secretary by regulation) that will be conducted by the licensee or by a subsidiary or affiliate; and

(B) if such activities are to be conducted, provide the Secretary with a plan for compliance with the provisions of this Act concerning nondiscriminatory access.

Section 602 of that Act

ARCHIVING OF DATA

SEC. 602. (a) * * *

(b) The Secretary *of the Interior* shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote-sensing data set (hereinafter referred to as the "basic data set") and shall follow reasonable archival practices to assure proper storage and preservation of the basic data set and timely access for parties requesting data. The basic data set which the Secretary *of the Interior* assembles in the Government archive shall remain distinct from any inventory of data which a system operator may maintain for sales and for other purposes.

(c) In determining the initial content of, or in upgrading, the basic data set, the Secretary *of the Interior* shall—

(1) use as a baseline the data archived on the date of enactment of this Act;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote-sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary *of the Interior* considers appropriate, unenhanced data generated either by the Landsat system, pursuant to title III, or by licensees under title IV;

(6) include, as the Secretary *of the Interior* considers appropriate; data collected by foreign ground stations or by foreign remote-sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 607.

(d) Subject to the availability of appropriations, the Secretary *of the Interior* shall request data needed for the basic data set and pay to the providing system operator reasonable costs for reproduction and transmission. A system operator shall promptly make requested data available in a form suitable for processing for archiving.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote-sensing data archive for a period to be determined by the Secretary but not to exceed ten years from the date the data are sensed. In the case of data generated from the Landsat system prior to the imple-

mentation of the contract described in section 202(a), any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the exclusive right and consent to distribution from the archive before the period of exclusive right has expired by terminating the offer to sell particular data.

(f) After the expiration of such exclusive right to sell, or after relinquishment of such right, the data provided to the United States remote-sensing data archive shall be in the public domain and shall be made available to requesting parties by the Secretary *of the Interior* at prices reflecting reasonable costs of reproduction and transmittal.

(g) In carrying out the functions of this section, the Secretary *of the Interior* shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

(h) In carrying out the functions of this section, the Secretary of the Interior shall consult with the Secretary to ensure that archiving activities are consistent with the terms and conditions of any contract or agreement entered into under title II, III, or V of this Act and with any license issued under title IV of this Act.

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